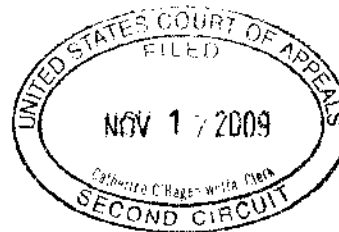


MANDATE

SDNY, NY NY
09-3596-7104
Hon. James Chin

UNITED STATES COURT OF APPEAL
FOR THE SECOND CIRCUIT



Securities and Exchange Commission v.
Byers, et al.

Docket No. 09-3596-CV ONLY

STIPULATION TO DISMISS APPEAL NO. 09-3596 ONLY

The undersigned hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

The undersigned further stipulate that a signature on this document by facsimile shall be sufficient as an original.

Dated:

11/13/09

BOND, SCHOENECK & KING, PLLC

Louis Orbach, Esq.

Attorney for Appellant, TCF National Bank

One Lincoln Center
Syracuse, New York 13202

DEWEY & LeBOEUF, LLP

Mark Radke, Esq.
Attorney for Appellee

1101 New York Avenue, NW
Washington, DC 20005

SO-ORDERED:

FOR THE COURT

Catherine O'Hagan Wolfe, Clerk of Court

By

Stanley A. Bass

Stanley A. Bass, Staff Counsel

NOV 17 2009

Counsel: Please print name and firm under signatures.

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

CLERK OF COURT

1838198.1 11/13/2009

Certified:

NOV 17 2009